

## BOARD OF SELECTMEN

Minutes of the Meeting of March 23, 2016. The meeting took place in the Public Safety Facility Community Room, 4 Fairgrounds Road, Nantucket, MA 02554. Members of the Board present were Rick Atherton, Robert DeCosta, Matt Fee, Tobias Glidden and Dawn E. Hill Holdgate.

### I. CALL TO ORDER

Chairman DeCosta called the meeting to order at 6:04 PM following meetings of the NRTA Advisory Board and the County Commission.

### II. BOARD ACCEPTANCE OF AGENDA

The agenda was unanimously accepted as presented.

### III. ANNOUNCEMENTS

1. Town Manager C. Elizabeth Gibson announced that the Board of Selectmen meeting is being video/audio recorded.

2. There is no Board of Selectmen meeting on Wednesday, March 30, 2016 as it is the 5<sup>th</sup> Wednesday.

3. Ms. Gibson announced that the 2016 Annual Town Meeting starts Saturday, April 2, 2016 at 9:00 AM at the Nantucket High School Auditorium, 10 Surfside Road. The Annual Town Election is Tuesday, April 12, 2016 – polls will be open from 7:00 AM to 8:00 PM at Nantucket High School.

### IV. PUBLIC COMMENT

None.

### V. NEW BUSINESS

None.

### VI. APPROVAL OF MINUTES, WARRANTS, PENDING CONTRACTS

1. Approval of Payroll Warrants for Week Ending March 20, 2016. The payroll warrants for week ending March 20, 2016 were approved by the unanimous consent of the Board.

2. Approval of Treasury Warrants for March 23, 2016. The treasury warrants for March 23, 2016 were approved by the unanimous consent of the Board.

3. Approval of Pending Contracts for March 23, 2016 - as Set Forth on the Spreadsheet Identified as Exhibit 1, Which Exhibit is Incorporated Herein by Reference. Ms. Gibson reviewed the various pending contracts and answered questions from Board members. Energy Coordinator Lauren Sinatra reviewed the electricity supply contract. Mr. Fee moved to approve the pending contracts for March 23, 2016; Mr. Glidden seconded. All in favor, so voted.

### VII. CITIZEN/DEPARTMENTAL REQUESTS

1. Nantucket Autism Speaks Resource Center: Request for Proclamation Regarding "World Autism Awareness Day" on April 2, 2016; Request to Proclaim August 15-20, 2016 as "Autism Awareness Week". Melissa Merick, Senior Director, Field Development for Autism Speaks was present. Chairman DeCosta read the proclamation for Autism Awareness Day on April 2, 2016. Mr. Glidden read the proclamation for Autism Awareness Week for August 15-20, 2016.

## VIII. TOWN MANAGER'S REPORT

1. Our Island Home Alternative Operational Models Presentation. Ms. Gibson explained that at the 2015 Annual Town Meeting (ATM), the Town sought design funds for Our Island Home (OIH) following discussion regarding a new facility. She noted at that time it hadn't been determined where a new facility should go. Unfortunately the 2015 ATM vote was invalid due to a mistake in the language of the motion. Ms. Gibson explained that it was voted again at the November 2015 Special Town Meeting and was approved. In the interim the Town engaged SMRT Architects to prepare a feasibility study on OIH's space and associated needs for a new facility. Following a number of public forums, it was decided to reset the process and review how OIH is operated and in what other ways it could be more cost effective to operate, noting the long-term financial operations are growing and the Town subsidy is increasing, and that federal and state reimbursements are not covering the current costs. Ms. Gibson noted a forum on this presentation with allowance for public input will be offered tomorrow from 10:00 to noon in the Community Room. Ms. Gibson introduced Toby Shea of SK Advisors and Jude Rabig of Rabig Consulting to discuss alternative operational models for OIH. Both reviewed their backgrounds and experience. Ms. Rabig reviewed the evolution of eldercare and the operational analysis of OIH, noting overall it is below average and reflects a highly bureaucratic traditional model of care. Mr. Shea reviewed the fiscal analysis of the current operation, noting OIH is losing money under its current model. He reviewed planning for the future population and its needs. Ms. Rabig reviewed needs projections, noting planning requires a "fundamental shift in thinking" for OIH as part of a comprehensive system of care. Ms. Shea reviewed themes of interviews with various stakeholders, from doing nothing to building a new facility at a new location, and everything in between. Ms. Rabig reviewed "small house" model research demonstrated outcomes and factor analysis of Nantucket's eldercare and OIH's role in the eldercare delivery system. The latter includes environment ("community first"); regulations (there are no new nursing home beds available in Massachusetts); philosophy (taking care of our own on island); financials (Medicare, Medicaid, private pay, government); and resident experience (research demonstrates better outcomes in deinstitutionalized models of care). Ms. Rabig and Mr. Shea reviewed options including maintaining the status quo; remodeling the existing OIH; sale to an outside entity before or after construction; constructing a traditional nursing home on the existing site or at Sherburne Commons (Ms. Rabig stated she does not recommend this option because of storm surge data, stating that no state would permit a nursing facility to be built in a storm surge area after Hurricane Katrina, so they took this option "off the table"); constructing a small house nursing facility at the existing site; and constructing a small house nursing facility at Sherburne Commons. Mr. Shea said the best fit with the existing and future eldercare needs would be constructing a small bed 30-bed nursing facility and 10 beds of affordable assisted living at Sherburne Commons. He said it would still result in a loss to the Town but less than the other options. Mr. Shea and Ms. Rabig answered questions from Board members.

Chairman DeCosta left the meeting at 7:08 PM; he returned at 7:11 PM.

Ms. Rabig explained that elders would get more time with staff in a small house model than an institutional model, and that the pay rate per hour ends up decreasing. She encouraged Board and community members to visit a small house model. Ms. Rabig also noted that to move a resident from a nursing home requires a moving plan approved by the State Department of Public Health, and that in her opinion moving the residents to allow for construction of a new facility would not be allowed. Ms. Rabig concluded by saying she feels quality of life and better care are more important than a view but a view can be made special anywhere.

2. Update: Long-term Capital Financing Plan. Finance Director Brian Turbitt gave an update on the Town's long-term capital financing plan and answered questions from Board members.

Ms. Hill Holdgate left the meeting at 7:38 PM; she returned at 7:41 PM.

## IX. CONSENT ITEMS

Regarding agenda item number IX. 5, Mr. Glidden said it seems to him like a road goes through parcel A, off Franklin Street and he inquired about reserving a path through there. Planning Director Andrew Vorce said there is "no hint" of a path or road and this parcel has always been closed off. Chairman DeCosta asked that in the future, if there are any questions on consent items, they are sent to Town Administration in advance so staff can be prepared.

1. Request for Execution of Amendment to License Agreement to Substitute New Site Plan for Original Sketch Plan for Parcel of Land Situated at 10 Maine Avenue, Map 60.3.1, Parcels 433 and 459. This matter was approved by the unanimous consent of the Board.

2. Planning Office: a) Request for Acceptance of Grant of "One Big Beach" Easement over a Portion of Lot 2, 29 Nonantum Avenue and Parcels Described as follows: b) Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Two Town-owned Yard Sale Parcels of Land on Peguot Street Shown as Lot 4 on Land Court Plan No. 42951B Filed with Nantucket Registry District of the Land Court and "Remainder of Parcel 6" as Shown on Plan of Land Entitled "Plan of Land in Nantucket, Massachusetts," Dated February 19, 2016, Prepared by Nantucket Surveyors, LLC and Recorded with Nantucket County Registry of Deeds as Plan No. 2016-19, Pursuant to Vote on Article 108 of 2008 Annual Town Meeting. This matter was approved by the unanimous consent of the Board.

3. Planning Office: a) Request for Acceptance of Grant of "One Big Beach" Easement over a Portion of Lot 1, 29 Nonantum Avenue and Parcels Described as follows: b) Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Two Town-owned Yard Sale Parcels of Land on Holly Street, Shown as Lot 3 on Land Court Plan No. 42951B Filed with Nantucket Registry District of the Land Court and "Remainder of Parcel 9" as Shown on Plan of Land Entitled "Plan of Land in Nantucket, Massachusetts," Dated February 19, 2016, Prepared by Nantucket Surveyors, LLC and Recorded with Nantucket County Registry of Deeds as Plan No. 2016-19, Pursuant to Vote on Article 77 of 2010 Annual Town Meeting. This matter was approved by the unanimous consent of the Board.

4. Planning Office: Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Taking Parcel A on Unnamed Way off Franklin Street as Shown on Plan of Land Entitled "Acquisition Plan for Portion of Paper Street between Franklin and West Chester Street, Nantucket, MA," Dated September 4, 2015, Prepared by Earle & Sullivan, Inc. and Recorded with Nantucket County Registry of Deeds as Plan No. 2015-86, Pursuant to Vote on Article 103 of 2015 Annual Town Meeting. This matter was approved by the unanimous consent of the Board.

5. Planning Office: Request for Execution of Purchase and Sale Agreement, Quitclaim Deed and Settlement Statement for Town-owned Yard Sale Parcel Known as Parcel 1, West Chester Street as Shown on Plan of Land Entitled "Town Meeting Article, Paper Street Acquisition Plan, Town of Nantucket, Nantucket, Mass., Portion of West Chester Street," Dated June 25, 2015, Prepared by Ackme Survey LLC and Recorded with Nantucket County Registry of Deeds as Plan No. 2015-52, Pursuant to Vote on Article 103 of 2015 Annual Town Meeting. This matter was approved by the unanimous consent of the Board.

## X. CITIZEN/DEPARTMENTAL REQUESTS

1. Request for Selectmen to Schedule Public Hearing to Amend Town of Nantucket Shellfishing Policy and Regulations Regarding Sections 4.25-4.31, Conch Fishing. Chairman DeCosta instructed staff to schedule a public hearing on this matter for Wednesday, April 20, 2016.

2. Request for Approval of Change of Manager of Seasonal All-Alcoholic Beverages Club License for Sankaty Head Golf Club, Inc. d/b/a Sankaty Head Beach Club from Robert Kuratek, Manager to Lori Snell, Manager, for Premises Located at 18 Hoicks Hollow Road. Mr. Atherton moved to approve the change of manager for Sankaty Head Beach Club; Mr. Glidden seconded. All in favor, so voted.

#### XI. PUBLIC HEARINGS

1. Public Hearing to Consider Taking a Portion of Paper Streets Described Below for General Municipal Purposes and or Public Access or Open Space, Pursuant to MGL Chapter 79, or Otherwise:

a) Bosworth Road Between a Line Extending the Northern Property Line of Assessor Map 92.4, Parcel 114 to the Northern Sideline of Wanoma Way (f.k.a. Atlantic Boulevard); Dorset Road Between the Northern Sideline of Wanoma Way (f.k.a. Atlantic Boulevard) and the Atlantic Ocean; Wanoma Way (f.k.a. Atlantic Boulevard) Between the Western Sideline of Dorset Road (f.k.a. Easton Road) to the Eastern Sideline of Joy Road; and Joy Road Between the Southern Sideline of Wanoma Way (f.k.a. Atlantic Boulevard) to the Atlantic Ocean, All as Authorized by Vote of Article 97 of 2014 Annual Town Meeting (Continued from January 27, 2016; MATTER TO BE DISMISSED). This matter was dismissed.

2. Public Hearing to Consider Amendments to Town of Nantucket Shellfishing Policy and Regulations Regarding Scallop Licenses for People 60 Years and Older. Chairman DeCosta opened the public hearing. He stated his opinion that the changes being proposed by the Harbor and Shellfish Advisory Board (SHAB) to the Shellfishing Regulations regarding scallop licenses for people 60 years and older make sense. Mr. Fee concurred SHAB member Peter Boyce spoke in favor of the amendments as presented. Chairman DeCosta closed the public hearing. Mr. Atherton moved to adopt the amendments to the Town Shellfishing Policy and Regulations as presented; Ms. Hill Holdgate seconded. All in favor, so voted.

#### XII. SELECTMEN'S REPORTS/COMMENT

1. Resolution Regarding 13 C Street Historic District Commission Appeal from January 27, 2016 Board of Selectmen's Meeting. Chairman DeCosta and Ms. Hill Holdgate recused themselves from this matter. Mr. Atherton moved to adopt the resolution that was in the Board's packet (attached); Mr. Glidden seconded. Mr. Fee noted he received two letters today expressing confusion over the Board's action tonight. Mr. Fee explained that the Board needs to abide by the Historic District Commission Act. On the motion, so voted 3-0.

#### 2. Committee Reports.

Mr. Fee reported that he attended a "Complete Streets" forum last Friday sponsored by the State DOT. Mr. Atherton noted the Board of Health met last Thursday and discussed the Dukes Road sewer, noting he found the affected property owners "well informed and well intentioned", saying they raised some issues which need to be discussed. He said the Board of Health will vote to give the residents a two-year deferral to hook up to the sewer because of "poor communication and handling". Mr. Glidden said he attended a recent Cape Cod Selectmen's and Councilors' Association meeting where Nantucket received endorsement /support for the Town's proposal for a 12-mile fishing protection zone around the island.

#### XIII. ADJOURNMENT

The meeting was unanimously adjourned at 8:10 PM.

Approved the 6<sup>th</sup> day of April, 2016.

### **RESOLUTION CONCERNING 13 C STREET HDC APPEAL**

*This resolution concerns the lawsuit challenging the Board of Selectmen's decision from January 27, 2016 (on a 2-1 vote, with 2 members recused) upholding the appeal of Historic District Commission Certificate of Appropriateness No. 64611, for property located at 13 C Street. Section 11 of the Historic District Commission Act requires that appeal decisions be by "a majority vote of the members of the board," i.e. by a vote of at least 3 members of the 5 member board, not by a majority of a quorum of the board. The quorum of the board which decided the appeal agrees that the 2-1 vote to uphold the appeal in fact constitutes a denial of the appeal for failure to achieve the requisite quantum of vote, that the appeal decision may not be used as grounds for denial of an application for a building permit, and that Certificate of Appropriateness No. 64611 remains in full force and effect.*

**BOARD OF SELECTMEN  
MARCH 23, 2016 – 6:00 PM  
PUBLIC SAFETY FACILITY COMMUNITY ROOM  
4 FAIRGROUNDS ROAD  
NANTUCKET, MASSACHUSETTS**

List of documents used at the meeting:

- VI. 3. Pending contracts spreadsheet for March 23, 2016
- VII. 1. World Autism Awareness Day 2016 Proclamation; Nantucket Autism Awareness Week 2016 Proclamation
- VIII. 1. "The Future of Eldercare on Nantucket" presentation and report
- VIII. 2. Email from Finance Director with long-term capital financing plan slides
- IX. 1. Amendment to License Agreement with plans for 10 Maine Avenue
- IX. 2-5. Real estate spreadsheet with associated survey plans
- IX. 2. Grant of "One Big Beach Easement" document; purchase and sale agreement, quitclaim deed and settlement statement for Lot 4 and Parcel 6, Pequot Street
- IX. 3. Grant of "One Big Beach Easement" document; purchase and sale agreement, quitclaim deed and settlement statement for Lot 3 and Parcel 9, Holly Street
- IX. 4. Purchase and sale agreement, quitclaim deed and settlement statement for Taking [parcel A, Unnamed Way off Franklin Street
- IX. 5. Quitclaim Deed for Parcel 1, West Chester Street
- X. 1. Emails from Dan Pronk, re: Shellfishing Regulations re: conch fishing; memo from Natural Resources Coordinator
- X. 2. ABCC application for change of manager for Sankaty Head Beach Club; copy of 2015 liquor license
- XI. 2. Email and letter from Peter Brace, re: Harbor & Shellfish Advisory Board request to amend Shellfishing Regulations; proposed new language; Town of Nantucket Shellfishing Policy and Regulations
- XII. 1. Resolution concerning 13 C Street HDC appeal; copy of Selectmen decision